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The CASE of the Election for the City of Bristol.

UPon the Petition of Mr. Robert Henly Merchant, Complaining of divers Irregularities and Illegal Practices in the Election, and that Sir Robert Cann Baronet is returned, as Chosen for that City, together with Sir John Knight, to serve in this present Parliament, whereas in truth Sir John Knight, and the Petitioner Mr. Henly, were duly Chosen by the Majority of Rightful Electors, and ought so to have been return'd.

THe City of Bristol is a Large and Populous City, and a County of it self, and hath at least 2000 Free Burgeses Inhabitants, who are Govern'd by a Major, 12 Aldermen, 2 Sheriffs, and a Common-Council of 40, Chosen according to a Charter, whereby it is Incorporated and made a City, which antiently was only a Village, or Free Borough.

When the Proclamation was Published, Declaring His Majesties Resolution to call this present Parliament, Sir John Knight (who had formerly served for the same City) offered to serve again if they would freely Choose him, and at the Request of many of the Free Burgeses and Freemen, Mr. Henly likewise offer'd them to serve in this present Parliament if they should Elect him, but Sir John Lloyd the then Major, and some of the Aldermen and Common-Council Combining with the then Sheriffs to prevent the Free Choice of the Citizens, did set up Sir R. C. Baronet, and Sir Robert Y. Baronet, two of the Aldermen of the City, and to get them to be Chosen, and to prevent the Election of Sir John Knight and Mr. Henly, did contrive, resolve upon, and put in practice, divers Illegal and Irregular things; as

Before the Election;

They gave out, That none but Freemen could be chosen, and at the same time denied Mr. Henly his Freedom, though he Legally demanded to be made Free, and themselves Confest he had a Right to be so, as having Married a Freemans Daughter, but said, that He should not have his Freedom, because he should not be Chosen a Parliament Man.

They deny'd several Persons their Freedom, who had a Right to it, and Legally demanded it, because they knew, (as they said) they would Vote for Sir John Knight, and Mr. Henly.

They declared, That such as Voted for Mr. Henly, should be taken notice of, as Enemies to the Freedom of the City.

The Morning before the Election they did cause Papers to be Posted up at several parts of the Town, purposing, That none but a Freeman could be Elect'd, and at the Bottom of some of those Papers, was Written, No Henly; No Henly: and when some of the Electors pulled down those Papers, they were, for so doing, Bound over to the Sessions, and forced to give Security for their Good Behavior in the mean time.

At the Election;

They deny'd to take the Pole for Mr. Henly, and took it only for the other Three; but after some time, having consider'd of the Matter, they told him, That the Pole should be taken for him if he would provide a Clerk to take it; but when he had offered one or two to take the Pole for him, they abused and beat them, and said, None but their own Clerks should take the Pole; who thereupon began to take it for Mr. Henly, but would not permit Mr. Henly, or any body for him to supervise it.

The Pole was begun in the Guildhall, which, soon after they begun to take the Pole for Mr. Henly, was almost full of such as offer'd to Vote for Sir John Knight, and Mr. Henly, but so soon as this was perceived, they withdrew themselves into an Inner Room, and bolted themselves in, and Letting in at a Back-door, such as (by a Word given) were known to Vote for the other Competitors continued on the Pole there, but when any that knew not the Word endeavored to get in, they were kept out, and beaten back; the other, who Voted for the other Competitors, and knew the Word, were admitted at the same time; and as soon and as often as any number got in, who desired to be Polled for Sir John Knight, and Mr. Henly, the Pole was Adjourned; whereby, the Pole was continued 9 days, which might easily have been ended in 2.

There being many Electors in the City, who declared themselves for Sir John Knight, and Mr. Henly, that they knew would not take any Oath, not Legally Imposed upon them, they refused any to give their Voices, that would not Swear themselves Free, though they shewed a Copy of their Freedom, under the Hand of the Chamberlain, and Seal of his Office, and admitted all, that would Swear themselves Free, to be Polled; whereby, many that were neither Freemen, nor Freeholders were Polled for Sir Robert Cann, and Sir Robert Yeomans.

On the last day of the Poll they returned, and sat in the Guildhall, and at the other end of the Hall, the Mayor, and some Aldermen sat as a Court, and called for the Goaler, and publicly commanded their Officers to bring before them those that Poled for Sir John Knight, and Mr. Henly, whom being brought before them, were Committed to Prison, upon pretence of Offences formerly committed against certain Penal Statutes; Whereupon, Great Multitudes that came to Poll for Sir John Knight, and Mr. Henly, were so Terrified, that they went away, and durst not give their Vote; and at the same time, in the same Circumstances with those Imprisoned, were suffered to Vote for Sir Robert Cann, and Sir Robert Yeomans, and to go away freely and unmolested. By which Contrivance alone, they Confessed, That themselves believed, they deprived Sir John Knight, and Mr. Henly of 400 Votes.

Notwithstanding all which Irregularities, and Illegal Practices, Sir John Knight, and Mr. Henly had the Majority of Rightful Voices, and ought therefore to have been Return'd, as Mr. Henly hopes to make appear at the Hearing of the Cause.

After the Election;

Being Conscious of the Illegality of their Proceedings, in Committing Persons to Prison at the POLE, they Discharged them without any Request on their behalf, and without Bail or Prosecution, though the statute, upon which the Commitment was grounded, requires Three Months Imprisonment, without Bail or Mainprize.

Sir Robert Cann, &c. Made it their Business to Prosecute all the Dissenters that Voted for Mr. Henly, and Sir John Knight, while those that Voted for Sir Robert Cann, and Sir Robert Yeomans were equally Informed against, but not prosecuted.

About Three days after the Election, the Mayor and Sheriffs apprehending the danger they had run themselves into by these Illegal Proceedings, called a Common Council, and there procured a Vote to Indemnifie the Mayor for what he had done in the Election at the City Charges, and the same was Moved in behalfe of the Sheriffs, but Sir John Knight Protesting against it, and withdrawing, it could not be obtained.

This CAUSE comes to be heard the 20th of November before the COMMITTEE of Elections and Priviledges.